

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIA MCCORMACK,

Plaintiff,

Case No. 15-cv-14507
Hon. Matthew F. Leitman

v.

CITY OF WESTLAND, *et al.*,

Defendants.

**ORDER (1) DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION (ECF #92) AND (2) RESETTling AND MODIFYING
PROCESS FOR EXECUTING SETTLEMENT DOCUMENTS**

On July 30, 2018, the Court entered an Amended Order in which it granted the Westland Defendants'¹ motion to enforce the settlement (ECF #76), granted the Highland Landscape Defendants'² motion to enforce the settlement (ECF #77), and denied Plaintiff's motion to hold at least part of the settlement unenforceable (ECF #78). (*See* ECF #90.) The Amended Order also set forth a process by which the parties would execute the necessary settlement documents. (*See id.*)

¹ The Westland Defendants are Defendants Officer Abramski, Brenn Dohring, Kelly Eggers, Tom Lutkenhoff, Chris Szpara, Wayne Westland Fire Association, City of Westland, and Tim Wilson.

² The Highland Landscape Defendants are Defendants Highland Landscape and Snowplowing, Jeff Speaks, Gage Speaks, Alfredo Vega, and Jose Vega.

Plaintiff has now filed a motion for reconsideration of the Amended Order. (See ECF #92.) She also contends that the Westland Defendants failed to send her an executable settlement agreement and that the Highland Landscape Defendants sent her a written agreement that does not accurately reflect the settlement terms. (See *id.* at Pg. ID 1234-35.)

The Court **DENIES** Plaintiff's motion for reconsideration of the Amended Order. To succeed on a motion for reconsideration, "[t]he movant must not only demonstrate a palpable defect by which the Court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case." L.R. 7.1(h). Plaintiff has neither demonstrated a palpable defect in the Amended Order nor shown how any defect would have resulted in a different disposition of the motions. Plaintiff largely restates the arguments she made in her motion and in response to the Defendants' respective motions, and the Court rejects those arguments for the same reasons it did so in the Amended Order.

In light of Plaintiff's motion for reconsideration, the Court resets and modifies the process for executing the settlement documents as set forth below.

IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration (ECF #92) is **DENIED**.

IT IS FURTHER ORDERED that:

- (1) By not later than **August 21, 2018**, the Westland Defendants shall mail to Plaintiff an executable copy of the agreement attached to Plaintiff's response to the Westland Defendants' motion to enforce (ECF #81 at Pg. ID 1087-89) (the "December Version") and a Form W-9. The Westland Defendants shall mail these documents even if they had been sent prior to entry of this Order;
- (2) By not later than **August 22, 2018**, the Westland Defendants shall file a certificate on the docket verifying that they sent the December Version and Form W-9 to Plaintiff. The Westland Defendants shall file with that certificate a copy of the documents sent to Plaintiff;
- (3) By not later than **September 5, 2018**, Plaintiff shall execute the December Version, complete the Westland Defendants' Form W-9, and mail both documents to counsel of record for the Westland Defendants; and
- (4) Plaintiff shall file a certificate on the Court's docket confirming that she executed the December Version, completed the Westland Defendants' Form W-9, and mailed both documents to counsel of record for the Westland Defendants. Plaintiff's certification must be **received by the Clerk of the Court** by not later than **September 11, 2018**.

IT IS FURTHER ORDERED THAT:

- (1) By not later than **August 21, 2018**, the Highland Landscape Defendants shall mail to Plaintiff an executable copy of the settlement agreement between the Highland Landscape Defendants and Plaintiff and a Form W-9. The settlement agreement shall conform to the relevant terms placed on the record at the October 17, 2017, settlement conference, as clarified at the December 18, 2017, status conference. The Highland Landscape Defendants shall mail these documents even if they had been sent prior to entry of this Order;
- (2) By not later than **August 22, 2018**, the Highland Landscape Defendants shall file a certificate on the docket verifying that they sent the executable settlement agreement and Form W-9 to Plaintiff. The Highland Landscape Defendants shall file with that certificate a copy of the documents sent to Plaintiff;
- (3) By not later than **September 5, 2018**, Plaintiff shall execute the copy of the Highland Landscape Defendants' settlement agreement, complete the Highland Landscape Defendants' Form W-9, and mail both documents to counsel of record for the Highland Landscape Defendants; and
- (4) Plaintiff shall file a certificate on the Court's docket confirming that she executed the Highland Landscape Defendants' settlement agreement,

completed the Highland Landscape Defendants' Form W-9, and mailed both documents to counsel of record for the Highland Landscape Defendants. Plaintiff's certification must be received by the Clerk of the Court by not later than **September 11, 2018**.

Plaintiff's failure to comply with this Order will result in dismissal of this action with prejudice.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 20, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 20, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764